

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

ALBERT THOMPSON,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 1:05CV938-VPM
)	[WO]
D.A.N. JOINT VENTURE III, L.P.,)	
)	
Defendant.)	

ORDER

For good cause, it is

ORDERED that this case be placed on the 26 March 2007 *trial term*¹ in Dothan, Alabama with jury selection and trial scheduled to begin at 10:00 a.m. It is further

ORDERED that the *pretrial conference* be held on 23 February 2007 at 10:00 a.m. in Courtroom 5A, Frank M. Johnson, Jr. United States Courthouse Complex, Montgomery, Alabama. It is further

ORDERED that the following sections of this court's Amended Scheduling Order (Doc. #20) entered on 21 March 2006 is AMENDED as follows:

SECTION 10. On or before 12 March 2007, the parties shall, pursuant to the provisions of Rule 26(a)(3) of the Federal Rules of Civil Procedure, identify any part of a deposition or other document that a party expects to use at trial. Adverse parties shall within **ONE WEEK THEREAFTER** identify any responsive parts of depositions expected to be used, and a party shall within **THREE DAYS** of the designation of such responsive parts designate any part which is desired as a rebuttal thereto. Unless specifically agreed between the parties or allowed by the Court for

¹ The Magistrate Judges are assigned two 2007 trial terms in Dothan - 26 March 2007 and 1 October 2007. This court is not inclined to schedule this case for the October, 2007 term.

good cause shown, the parties shall be precluded from using any part of a deposition or other document not so listed, with the exception of parts of depositions or documents to be used solely for the purpose of impeachment. Except to the extent written objections are served and filed on or before 19 March 2007, each party shall be deemed to have agreed that one of the conditions for admissibility under Rule 32 of the Federal Rules of Civil Procedure is satisfied with respect to any such deposition and that there is no objection to the testimony so designated.

SECTION 11. On or before 12 March 2007, the parties shall, pursuant to the provisions of Rule 26(a)(3) of the Federal Rules of Civil Procedure, furnish opposing counsel for copying and inspection all exhibits or tangible evidence to be used at the trial, and proffering counsel shall have such evidence marked for identification prior to trial. Unless specifically agreed between the parties or allowed by the Court for good cause shown, the parties shall be precluded from offering such evidence not so furnished and identified, with the exception of evidence to be used solely for the purpose of impeachment. Except to the extent written objections are served and filed no later than 19 March 2007, the evidence shall be deemed genuine and admissible in evidence. The written objections shall set forth the grounds and legal authorities. All trial exhibits must be premarked prior to trial.

DONE this 29th day of September, 2006.

/s/ Vanzetta Penn McPherson
VANZETTA PENN MCPHERSON
UNITED STATES MAGISTRATE JUDGE